



REMARKS

Applicant requests favorable reconsideration and allowance of this application in view of the foregoing amendments and the following remarks.

Claims 1, 2, 9-11, 24 and 28 are pending in this application, with Claims 1, 24, and 28 being independent. Claims 14, 15, 20, 21, 26 and 30 have been cancelled without prejudice to or disclaimer of the subject matter presented.

Claims 24 and 28 have been allowed.

Claims 1, 2, and 9-11 were rejected under 35 U.S.C. 101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses that rejection.

Claims 1, 2, and 9-11 are directed to a data processing apparatus, i.e., a machine. As such, those claims are specifically directed to one of the statutory categories of subject matter explicitly recited in Section 101 - a machine.

The Office Action asserts that a claimed invention must have a result that is useful, concrete, and tangible. Applicant submits, however, that “tangible” does not necessarily mean something that can be physically touched. Rather, as explained in the PTO’s Guidelines concerning patent-eligible subject matter, “the claimed invention as a whole must be useful and accomplish a practical application.” In other words, “tangible” is used here to mean the opposite of “abstract.” The purpose of this requirement, according to the PTO Guidelines, is to limit patent protection to inventions that have some real world value, as opposed to subject matter that is nothing more than an idea or a concept.

Applicant submits that the invention recited in independent Claim 1 clearly is useful to accomplish a practical application and has real world value. In particular, the claimed invention recites an apparatus that encodes electronic information, inputs list data of a patent necessary for encoding or decoding the electronic information, generates an encryption key based on the list data of the patent, encrypts the encoded data using the encryption key, forms intellectual property management information including the

encrypted list data of the patent, and adds the intellectual property management information to the encoded contents data that has been encrypted. This is not merely an abstract idea. To the contrary, the claimed invention of Claim 1 results in data that is encoded, encrypted using a key based on list data of a patent necessary for encoding or decoding the original information, and which includes intellectual property management information including encrypted list data of the patent. This accomplishes the practical application of providing encrypted, encoded data, while at the same time including information about a patent necessary to encode or decode the data.

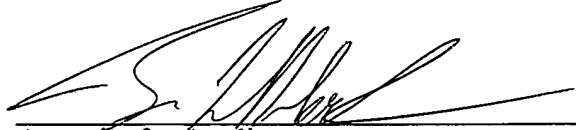
In view of the foregoing, Applicant submits that the present invention recited in independent Claim 1 is directed to statutory subject matter, namely, an apparatus that accomplishes a practical application rather than a mere abstract idea or concept. Favorable reconsideration and withdrawal of the Section 101 rejection are requested.

Claims 14, 15, 20, 21, and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over WIPO Patent Publication No. 99/48296 (Shamoon et al.). That rejection is moot since those claims have been cancelled without prejudice.

In view of the foregoing, this application is believed to be in condition for allowance. Favorable reconsideration, entry of this Amendment to obviate the obviousness rejection, withdrawal of the outstanding Section 101 rejection, and an early Notice of Allowance are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. L. Klock', written over a horizontal line.

Attorney for Applicant
Brian L. Klock
Registration No. 36,570

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
BLK/mls

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